

## **Electronic Records Policy**

### **OCPR Policy #12-01**

#### **Purpose**

Information technology has transformed the way governmental entities create, use, share, and store records. Although electronic records offer many advantages, preserving them for long-term access is increasingly complex as they can be easily deleted, changed and manipulated. Maintaining trustworthy records is essential for a governmental entity to meet its legal and internal business needs, as well as its responsibilities to the public. The purpose of this policy is to ensure that governmental entities create and maintain trustworthy electronic records that demonstrate *authenticity, reliability, integrity, and useability*.

#### **Authority**

Authority for this policy is derived from Indiana Code 5-15-5.1. Where a conflict exists, this policy supersedes policies adopted or implemented by governmental entities, and specifically rescinds and replaces the Indiana Oversight Committee on Public Records Policy 05-01.

#### **Definitions**

The terms used in this policy have the meanings set forth in IC 5-15-5.1-1 and IC 5-15-6 for State and local units of government.

Terms used in this policy not defined by IC 5-15-5.1-1 or IC 5-15-6, have the meanings set forth in this section:

- “Authenticity” has the meaning set forth in ISO 15489-1:2001 7.2.2 – An authentic record is one that can be proven:
  - a) to be what it purports to be,
  - b) to have been created or sent by the person purported to have created or sent it, and
  - c) to have been created or sent at the time purported.
- “Electronic Record” has the meaning set forth in IC 26-2-8-102(9)
- “E-mail” is an electronic communication in which the sender and recipient(s) each have an e-mail address composed of four parts: a user name (xyz), the @ sign, the server address (abc) and the domain (e.g. .com; .gov). E-mail includes messages sent or received, any attachments, and all transmission and receipt data about each message.
- “Governmental Entity” means “agency” as defined by IC 5-15-5.1-1 and “local government” as defined by IC 5-15-6-1.4.
- “Integrity” has the meaning set forth in ISO 15489-1:2001 7.2.4 – The integrity of a record refers to its being complete and unaltered.
- “Reliability” has the meaning set forth in ISO 15489-1:2001 7.2.3 – A reliable record is one whose contents can be trusted as a full and accurate representation of the transactions, activities or facts to which they attest and can be depended upon in the course of subsequent transactions or activities.
- “Useability” has the meaning set forth in ISO 15489-1:2001 7.2.5 – A useable record is one that can be located, retrieved, presented and interpreted.

#### **Scope**

This Electronic Records Policy applies to electronic records of governmental entities, including, but not limited to: email, word-processing documents, spreadsheets, databases, websites, images, video, audio, multimedia, interactive documents, scanned/digitized documents, etc. It includes records created, sent or received by employees, appointees or elected officials of governmental entities, as well as contractors in the course of their interaction with governmental entities.

It is the governmental entity's responsibility to ensure electronic records are maintained under the same public access laws and approved records retention schedules as physical records. This includes e-mail conducted on government devices, or through a government e-mail address, or for an official government purpose, which should be retained in accordance with the approved records retention schedule that covers the content of the message. However, accessing a personal e-mail account via the internet on a government device does not establish the personal e-mail or the personal account as a public record if no official government business is being conducted.

Not all public records must be retained under an approved retention schedule. Those defined as "transitory non-record materials" are not subject to retention; however, these materials cannot be destroyed to avoid an existing public records request filed with the governmental entity to which the records may be responsive under Indiana's Access to Public Record Act. Transitory non-record materials are:

- personal communications as defined by IC-5-15-5.1-1(1)
- non-records as defined by IC-5-5.1.1(1)
- unsolicited advertising messages and "spam" e-mail
- the recipient's copy of messages sent to a mass audience or from listservs

Employees of governmental entities should have no expectation of privacy for items considered public records.

## **Policy**

In order to achieve and maintain *authenticity*, *reliability*, *integrity* and *useability*, governmental entities shall actively manage electronic records in line with the following principles:

- Governmental entities should develop internal guidelines and procedures to control the creation, receipt, transmission, maintenance and disposition of records; all record creators and users should be made aware of their responsibility to comply with these procedures, and receive training appropriate to their role.
- Electronic records should be associated with descriptive information, known as metadata, which provides evidence about a record's content and the circumstances in which it was created/received and used; this information should be retained until the final disposition of the records. Examples of metadata include, but are not limited to: title, date created/received/modified, creator/editor, reference number, record series, access/use restrictions, subject, relationship to other records, etc.
- Electronic records should be protected against unintentional or unauthorized access, modification, deletion or disclosure.
- Electronic records should be protected against corruption or loss due to technical failure or to disaster.
- Electronic records should be retained and disposed of in accordance with the retention schedule that covers the records' informational content, as approved by the Indiana Oversight Committee on Public Records. If an approved record series cannot be identified for a given type of record, the Commission on Public Records will work with the governmental entity to develop one and add it to the appropriate retention schedule.
- Electronic records should remain accessible and readable for the duration of their retention period, in compliance with State Board of Accounts audits and legal holds.

## **Responsibilities of Governmental Entities**

All employees should be made aware of their responsibilities and receive training appropriate for their role and work duties in the use and management of electronic records. It is the responsibility of each Indiana governmental entity to be aware of and protect confidential and sensitive information in electronic communications.

For governmental entities utilizing the services of the Indiana Office of Technology (IOT) or other third parties as its technical service provider, it remains the responsibility of the governmental entity to manage their records and comply with applicable laws, policies, and retention schedules.

Governmental entities may consult the Indiana Commission on Public Records for guidance about the development of new or revised electronic record management systems or procedures.

### **Compliance**

The State Board of Accounts and the Indiana Commission on Public Records may review governmental entities for compliance with this policy.

Adopted by the Indiana Oversight Committee on Public Records on September 19, 2012.